

**REMARKS**

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 3, 5, 7-13, 15, 17, 19-24, and 26-28 are pending in this application. Claims 2, 6, 14, 18, and 25 are canceled.

Claims 1, 3, 5 and 8, 12, 13, 15, 17-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bornstein (U.S. Patent 6,144,388) in view of Pry (article entitled "Online Retailers Add 3-D Music to Web Sites for Sense of Reality") and Viking (anonymous article entitled "Viking Office Products Launches New E-Commerce Site for U.S."). Claims 2 and 6, 7, 9-11, 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bornstein in view of Pry, Viking, and Official Notice taken by the Examiner.

Claim 1 has been amended to include the limitations of canceled dependent claims 2 and 6. (All independent claims contain similar limitations) Claim 1 now recites "an adjustment unit operable to adjust a scale of custom image data prepared by the user, thereby generating a scale image" and "wherein the graphics unit includes a unit for incorporating the scale image into the display image." These limitations are described in paragraph 57 of the specification which states:

If desired, fine adjustment may be performed on texture data uploaded by a user so that the texture data matches the scale image. For example, image information indicating a scale may be included in texture data so that the texture data can be finely adjusted by comparing the scale, indicated by the image information, of the texture data with the scale of the scale image. The image information indicating the scale of the texture data may be generated so as to represent, for example a coin whose size is fixed and well known or a ruler. Such image information may

be incorporated into texture data, for example, by taking a picture of a wall or the like as a background BG together with a coin or a rule using a digital camera or the like.

The Examiner concedes that the scaled image limitations of canceled claims 2 and 6 are not taught by the cited prior art references, but contends they are obvious. Applicant respectfully disagrees and asserts that none of the citations discloses or suggests that image data whose size is fixed is incorporated into texture data (custom image data), or that the scale, indicated by the image data, of the texture data is compared with the scale of the scale image so that the texture data can be finely adjusted to match the scale image. Accordingly, these scaled image features of the present claims are not obvious. For at least these reasons, Bornstein, Pry, Viking, and the Examiner's Official Notice fails to meet all of the present limitations and the rejected claims should now be allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

Application No.: 10/057,074

Docket No.: SCEI 3.0-113

Dated: June 14, 2006

Respectfully submitted,

By 

Darren M. Simon

Registration No.: 47,946

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

664494\_1.DOC